

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JULIO SMITH PARRA,)
Plaintiff,) 3:11-cv-00913-LRH-WGC
v.) ORDER
HOWARD SKOLNIK, *et al.*,)
Defendants.)

Before the Court is Plaintiff Julio Smith Parra’s (“Parra”) Motion for Reconsideration. Doc. #91.¹ Defendants Ronald Bryant, Dann Doty, and E.K. McDaniel (collectively “Defendants”) filed an Opposition (Doc. #92), to which Parra replied (Doc. #93).

A motion for reconsideration may be brought pursuant to Federal Rules of Civil Procedure 59(e) and 60(b). *Sch. Dist. No. IJ, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). A Rule 59(e) motion for reconsideration should not be granted “absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.” *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009) (quoting *389 Orange Street Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999)). “Relief under Rule 60(b)(6) . . . is available only under extraordinary circumstances.” *Twentieth Century-Fox Film Corp. v. Dunnahoo*, 637 F.2d 1338, 1341 (9th Cir. 1981) (internal citations omitted). Specifically, under Rule 60(b)(6), a court may relieve a party from a final judgment,

¹ Refers to the Court’s docket entry number.

1 order, or proceeding only in the following circumstances: (1) mistake, inadvertence, surprise, or
 2 excusable neglect; (2) newly discovered evidence; (3) fraud; (4) to avoid judgment; (5) a satisfied
 3 or discharged judgment; or (6) any other reason justifying relief from the judgment. *Backlund v.*
 4 *Barnhart*, 778 F.2d 1386, 1387 (9th Cir. 1985). In either circumstance, a motion for
 5 reconsideration must set forth the following: (1) some valid reason why the court should revisit
 6 its prior order; and (2) facts or law of a “strongly convincing nature” in support of reversing the
 7 prior decision. *Frasure v. United States*, 256 F. Supp. 2d 1180, 1183 (D. Nev. 2003).

8 Here, the Court finds that Parra has failed to establish any of the aforementioned grounds
 9 justifying relief. Instead, Parra merely asserts the same arguments he set forth at summary
 10 judgment.² Accordingly, the Court declines to reconsider its September 25, 2013 Order striking
 11 Parra’s Sur-Reply and granting Defendants’ Motion for Summary Judgment in full. Doc. #90.
 12 See *Backlund v. Barnhart*, 778 F.2d 1386, 1388 (9th Cir. 1985) (holding that a district court
 13 properly denied a motion for reconsideration in which the plaintiff presented no arguments that
 14 were not already raised in his original motion); see also *Resolution Trust Corp. v. Holmes*, 846 F.
 15 Supp. 1310, 1316 (S.D. Tex. 1994) (footnotes omitted) (motions for reconsideration are not “the
 16 proper vehicles for rehashing old arguments”).

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18 IT IS THEREFORE ORDERED that Parra’s Motion for Reconsideration (Doc. #91) is
 19 DENIED.

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IT IS SO ORDERED.

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DATED this 2nd day of May, 2014.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE

² To the extent that Parra asserts that Defendants destroyed evidence, the evidence cannot be considered “newly discovered” for purposes of his Motion for Reconsideration as Parra admits that he requested that evidence on multiple occasions during these proceedings.